

Message Text

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ACTION PM-05

INFO OCT-01 NEA-10 ISO-00 NSC-05 SP-02 SS-15 L-03
CIAE-00 INR-07 NSAE-00 AID-05 IGA-02 MCE-00
ACDA-07 IO-13 OMB-01 TRSE-00 /076 W
-----054694 120532Z /17

P R 120350Z SEP 77
FM AMEMBASSY KABUL
TO SECSTATE WASHDC PRIORITY 4397
INFO SECDEF WASHDC
CINCPAC

C O N F I D E N T I A L SECTION 1 OF 2 KABUL 6386

CINCPAC FOR POLAD; SECDEF FOR DSAA

E.O. 11652: GDS
TAGS: MASS, PFOR, AF
SUBJECT: IMPLEMENTATION OF NEW STATUTORY CONDITION OF
ELIGIBILITY FOR MILITARY ASSISTANCE AND TRAINING

REF: KABUL 7186 (1976)

1. SUMMARY. THE AFGHAN MINISTRY OF NATIONAL DEFENSE
HAS PROVIDED THE EMBASSY WITH A DRAFT OF A PROPOSED
REPLY TO OUR REQUEST FOR AFGHAN AGREEMENT TO A NUMBER
OF CONDITIONS COVERING U.S. MILITARY EDUCATION AND
TRAINING RECEIVED BY AFGHAN MILITARY PERSONNEL. THE
EMBASSY BELIEVES THAT THE AFGHAN DRAFT MEETS OUR
BASIC REQUIREMENTS IN THE SPECIAL CONTEXT OF THE U.S. -
AFGHAN PROGRAM. END SUMMARY

2. THE EMBASSY HAS RECEIVED A DRAFT OF THE PROPOSED
AFGHAN REPLY TO OUR DIPLOMATIC NOTE OF SEPTEMBER 28,
1976, WHICH PROPOSED CERTAIN ASSURANCES THAT THE
GOVERNMENT OF AFGHANISTAN (GOA) SHOULD PROVIDE IN
ORDER TO MEET THE REQUIREMENTS OF THE INTERNA-
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TIONAL SECURITY AND ARMS CONTROL ACT OF 1976
CONCERNING THE U.S. MILITARY EDUCATION AND
TRAINING RECEIVED BY AFGHAN MILITARY PERSONNEL.
THE AFGHAN DRAFT WAS DESCRIBED BY ITS DRAFTER,
MAJOR GENERAL MOHAMMAD YAHYA NAWROZ, CHIEF OF
OPERATIONS IN THE MINISTRY OF NATIONAL DEFENSE,
AS BEING ONLY HIS VERSION OF A REPLY WHICH HE

FELT "WOULD BE ACCEPTABLE" TO HIS SUPERIOR,
GENERAL GHULAM HAIDER RASULI -- THE MINISTER
OF NATIONAL DEFENSE. HOWEVER, IT IS CLEAR THAT
THE DEFENSE MINISTER HIMSELF PROBABLY HAD A
HAND IN DRAFTING IT, AND NAWROZ'S APPROACH

PROBABLY REPRESENTS A TYPICALLY OBLIQUE AFGHAN
ATTEMPT TO SEE WHETHER WE WOULD ACCEPT THIS
VERSION BEFORE TOO MUCH FACE IS INVESTED.

3. THE TEXT OF THE PROPOSED AFGHAN REPLY FOLLOWS:
BEGIN TEXT: THE PROVISIONS OF THE INTERNATIONAL
SECURITY ASSISTANCE AND ARMS EXPORT CONTROL ACT
OF 1976 APPLY TO THE MILITARY RELATIONS BETWEEN
THE UNITED STATES OF AMERICA AND AFGHANISTAN ONLY
IN THE SPECIFIC AREA OF TRAINING.

TO THE EXTENT THAT THE NOTE RELATES TO THE
ARMED FORCES OF THE REPUBLIC OF AFGHANISTAN, THE
GOVERNMENT OF AFGHANISTAN WILL OBSERVE THE FOLLOWING:

A. NO ONE WHO IS NOT A MILITARY OFFICER,
AN EMPLOYEE, OR AN AGENT OF THE GOVERNMENT OF
AFGHANISTAN (GOA) SHALL BE GIVEN PERMISSION
TO MAKE USE OF TRAINING WHICH HAS BEEN OR WILL
BE PROVIDED BY THE GOVERNMENT OF THE UNITED
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STATES. SUCH TRAINING SHALL NOT BE TRANSFERRED
TO OTHER GOVERNMENTS OR THEIR AGENTS WITHOUT
THE CONSENT OF THE U.S. GOVERNMENT.

B. THE TRAINING PROVIDED BY THE GOVERNMENT
OF THE UNITED STATES SHALL NOT BE USED FOR OTHER
THAN LEGITIMATE DEFENSE PURPOSES ACCORDING TO
THE UN CHARTER, FOR SERVICES REQUESTED BY THE
UNITED NATIONS, OR TO FACILITATE BENEFICIAL
SECURITY OPERATIONS.

C. U.S. GOVERNMENT TRAINING AND TRAINING
MANUALS WILL BE PROTECTED AGAINST MISUSE BY
GIVING THESE MATERIALS SUBSTANTIALLY THE SAME
DEGREE OF PROTECTION AFFORDED THESE MATERIALS
BY THE U.S. GOVERNMENT ITSELF.

D. THE GOA REALIZES THE ADVANTAGE OF APPOINT-
ING PEOPLE AFTER A PERIOD OF TRAINING IN THE
UNITED STATES TO THE WORK FOR WHICH THIS TRAIN-
ING HAS EQUIPPED THEM, AND APPLIES THIS PRACTICE
TO THE EXTENT POSSIBLE. THE GOA SHALL WORK

CONTINUOUSLY WITH THE REPRESENTATIVES OF THE
GOVERNMENT OF THE UNITED STATES TO FIND A
MUTUALLY ACCEPTABLE PROCEDURE FOR OBSERVATION
AND REVIEW BY THE U.S. GOVERNMENT WITH RESPECT
TO THE USE OF SUCH TRAINING OFFERED BY IT.
HOWEVER, THE GOA RESERVES THE RIGHT TO INTER-
PRET THE TERM "CONTINUOUS OBSERVATION AND
REVIEW" IN A MANNER ACCEPTABLE TO IT.

E. THE GOA IS AWARE THAT IF AN IRRECON-
CILABLE DISAGREEMENT OCCURS IN IMPLEMENTING
THESE AGREEMENTS OR FINDING THE AFOREMENTIONED
PROCEDURE, THE U.S. GOVERNMENT SHALL HAVE THE
OPTION TO TERMINATE THE TRAINING PROGRAM; AND
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THE GOA CAN ALSO AT ANY TIME DECLINE FURTHER
PROVISION OF TRAINING BY THE GOVERNMENT OF THE
UNITED STATES.

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INFO SECDEF WASHDC
CINCPAC

C O N F I D E N T I A L SECTION 2 OF 2 KABUL 6386

CINCPAC FOR POLAD; SECDEF FOR DSAA

WE HOPE THESE REGULATIONS WILL PRESERVE THE MILITARY
TRAINING COOPERATION BETWEEN THE TWO COUNTRIES. END OF TEXT

4. COMMENT: THE LANGUAGE IN THE AFGHAN DRAFT IS SURPRISINGLY FORTHCOMING, AND IN THE EMBASSY'S OPINION, IS QUITE CLOSE TO THE VERSION WHICH WE SUGGESTED. IN VIEW OF THE TRADITIONAL AFGHAN XENOPHOBIA AND DESIRE FOR EXTREME SECRECY, WE FEEL THAT THEIR PROPOSED REPLY IS THE MOST WE CAN EXPECT FROM THEM IN THE AREAS OF USE-OF-TRAINING, SAFEGUARDING, AND OBSERVATION-AND-REVIEW.

5. IN DISCUSSING THE RETURN OF U.S. TRAINING MATERIALS WHICH ARE NO LONGER NEEDED, AND AREA NOT ADDRESSED BY THEIR NOTE, GENERAL NAWROZ EMPHASIZED THAT SINCE THE TRAINING MATERIALS GIVEN TO THE AFGHANS CONSIST ONLY OF UNCLASSIFIED MANUALS, CLASS NOTES AND SIMILAR ITEMS WHICH THE U.S. GOVERNMENT NEITHER ACCOUNTS FOR NOR EXPECTS TO BE RETURNED, HIS "SUPERIOR" (I.E. , THE MINISTER OF NATIONAL DEFENSE) FELT THIS PROVISION WAS HYPOTHETICAL IN THE CASE OF AFGHANISTAN AND DID NOT WISH TO COMMIT HIMSELF TO ITS ENFORCEMENT. (COMMENT: THE EMBASSY AGREES WITH THE AFGHAN VIEW THAT THIS ELEMENT SHOULD NOT BE CONFIDENTIAL

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INCLUDED IN THE UNDERSTANDING. END COMMENT)

6. WHILE DELIVERING THE DRAFT, GENERAL NAWROZ ASKED THAT WE PROVIDE HIS MINISTRY WITH DEFINITIONS OF THE FOLLOWING TERMS EMPLOYED IN OUR NOTE: "TRAINING", "SERVICES", AND "OBSERVATION AND REVIEW." THE AFGHANS APPARENTLY ARE CONFUSED BY OUR TERMINOLOGY AND ARE NOT EXACTLY SURE HOW -- OR WHETHER -- ALL OF THE POINTS COVERED IN OUR NOTE APPLY TO THEM. IN ORDER TO HELP THEM UNDERSTAND MORE FULLY OUR GOALS, WE WOULD LIKE, WITH THE DEPARTMENT'S APPROVAL, TO PROVIDE THE FOLLOWING DEFINITIONS TO GENERAL NAWROZ:

A. TRAINING: FORMAL OR INFORMAL INSTRUCTION OF AFGHAN STUDENTS BY OFFICERS, EMPLOYEES, OR AGENTS OF THE UNITED STATES.

B. OBSERVATION AND REVIEW: THE PROCESS BY WHICH THE USG IS ASSURED THAT TRAINEES ARE EMPLOYED FOR AN APPROPRIATE PERIOD IN THE SKILL FOR WHICH THEY HAVE BEEN TRAINED, AND, FURTHERMORE, THAT TRAINING PROVIDED IS BEING USED IN ACCORDANCE WITH THE LIMITATIONS AGREED UPON BY BOTH SIDES. (COMMENT: WE DO NOT SENSE THAT THE AFGHANS ARE AS CONCERNED ABOUT THE PURPOSES OF OBSERVATION AND REVIEW AS THEY ARE ABOUT THE METHODS EMPLOYED TO MONITOR THIS COMPLIANCE. DEFINING OBSERVATION AND REVIEW IN TERMS WHICH WOULD CONCENTRATE ON THE PURPOSES MAY ALLOW THEM TO AGREE TO THE CONCEPT, WHILE WE ENDEAVOR TO WORK OUT THE METHODS PRAGMATICALLY IN A LESS FORMAL CONTEXT. END COMMENT)

C. SERVICES: WE RECOMMEND THAT THE AFGHANS BE ALLOWED TO ELIMINATE THE TERM "SERVICES" FROM THEIR NOTE ALTOGETHER.

(COMMENT: "DEFENSE SERVICES" ARE CURRENTLY DEFINED BY THE SECTION 644(F) OF THE FOREIGN ASSISTANCE ACT TO EXCLUDE MILITARY EDUCATION AND TRAINING ACTIVITIES, SINCE OUR ASSISTANCE TO CONFIDENTIAL

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AFGHANISTAN CONSISTS ONLY OF EDUCATION AND TRAINING ACTIVITIES, WE SEE NO PURPOSE IN INCLUDING THE TERM IN THE AGREEMENT. IF IT REFERS ONLY TO TRAINING WHICH, IN THE LANGUAGE OF OUR NOTE, "HERETOFORE HAS BEEN FURNISHED BY THE UNITED STATES AS A DEFENSE SERVICE," THE MEANING COULD MORE SIMPLY BE CONVEYED BY REFERRING SPECIFICALLY TO "TRAINING WHICH HAS BEEN PROVIDED." END COMMENT)

7. RECOMMENDATION: THE EMBASSY BELIEVES THAT THE DRAFT AFGHAN REPLY ADEQUATELY COVERS THE REQUIREMENTS OF A MODEST AND LIMITED INTERNATIONAL MILITARY EDUCATION AND TRAINING PROGRAM, SUCH AS THAT WHICH IS BEING CARRIED OUT FOR AFGHANISTAN. WE WOULD NOT LIKE TO SEE THIS HIGHLY USEFUL PROGRAM JEOPARDIZED BY PRESSING THE AFGHANS TOO STRONGLY TO AGREE TO UNDERTAKINGS WHICH ARE NOT APPLICABLE IN THEIR CASE. WE WOULD LIKE TO BE ABLE TO PROVIDE THE AFGHAN GOVERNMENT WITH THE DEFINITIONS PROPOSED IN PARAGRAPH 6, AND INFORM THEM THAT THEIR DRAFT REPLY WOULD BE AN ACCEPTABLE RESPONSE TO OUR NOTE. IN VIEW OF THE FACT THAT GENERAL NAWROZ MAY SOON BE TRANSFERRED TO ANOTHER POST, THE EMBASSY WOULD LIKE TO CONCLUDE THIS EXCHANGE AS SOON AS POSSIBLE; THEREFORE, THE DEPARTMENT'S EARLIEST APPROVAL IS REQUESTED. AMSTUTZ

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